

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DONALD W. STRECK,

Petitioner,

v.

3:05-cv-385

STATE OF TENNESSEE,

Respondent.

ORDER

In accordance with the accompanying Memorandum Opinion, the respondent's motion to dismiss is **DENIED**. Petitioner's motion for appointment of counsel is **GRANTED**, provided petitioner qualifies for appointment of counsel. The Clerk is **DIRECTED** to send petitioner a financial affidavit (Form CJA 23).

E N T E R:

s/ Thomas W. Phillips
United States District Judge